



**Public Buildings Service  
Desk Guide  
For Floodplain Management  
Companion to GSA Order PBS 1095.8**

Office of Portfolio Management and Customer Engagement

**September 2019**

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## SUMMARY OF REVISIONS

The previous version of this PBS Desk Guide for Floodplain Management (December 22, 2016) was compelled by E.O. 13690 (January 30, 2015). However, a subsequent Executive Order (E.O. 13807, August 15, 2017), at Section 6, revoked E.O. 13690, thereby leaving E.O. 11988 (May 24, 1977) as the primary source of direction on floodplain management for Federal agencies. As a result, this revised Desk Guide for Floodplain Management is being issued. This revision continues to require GSA to evaluate potential impacts of any actions taken in a floodplain, and to avoid, minimize, or mitigate impacts associated with the occupancy, modification, or development in floodplains. The revisions to GSA's floodplain management compliance requirements, established through the Floodplain Management Order (PBS 1095.7) and this Desk Guide, are summarized in the table below. GSA formerly evaluated potential impacts of all actions using the same floodplain standard and decision-making process. This revised Desk Guide creates a new category of actions referred to as Automatic CATEX Actions, which are subject to a shortened floodplain decision-making process. The processes reflected in this document are separate and distinct from Flood Resistant Design and Construction methodologies reflected in GSA's P-100 Facilities Standards for the Public Buildings Service.

The table below describes the two categories of actions and the associated floodplain standard and decision-making process that must be applied to each. Reference the noted sections of the Desk Guide for details.

	Description	Floodplain Determination	Floodplain Decision-making Process
<b>Actions</b> (see Sec. 4; App A)	Acquiring, managing, and disposing of Federal lands and facilities; providing federally undertaken, financed, or assisted construction and improvements; and conducting Federal activities and programs affecting land use.	100-year floodplain (or 500-year floodplain for critical actions)	8-Steps
<b>Automatic CATEX Actions</b> (see Sec. 5; App B)	GSA NEPA Automatic Categorical Exclusions (CATEX), including: <ul style="list-style-type: none"> <li>• Lease actions (extensions, renewals, or succeeding leases)</li> <li>• Small projects (repair and alteration projects)</li> <li>• Operation and maintenance</li> <li>• Disposal of real property</li> </ul>	100-year floodplain (or 500-year floodplain for critical actions)	4-Steps (shortened decision-making process)

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## PBS Floodplain Management Desk Guide

1. Purpose. The purpose of this Floodplain Management Desk Guide is to provide updated floodplain management guidance, in accordance with Executive Order (E.O.) 13807, issued August 15, 2017. As a result of E.O. 13807, E.O. 11988 is now the primary support document for this Floodplain Management Desk Guide. This Desk Guide provides procedures and guidance to implement GSA Order PBS 1095.7, Floodplain Management. This Desk Guide applies to facilities under GSA jurisdiction, custody, and control, including facilities that have been delegated to other Federal agencies by the Administrator of General Services, and facilities leased by GSA.

2. Background on Floodplain Management Policy. Flooding can severely damage federally owned and leased facilities, resulting in costs and impacts to agency mission and continuity of operations. Floodplain compliance is a component of responsible property management that can reduce the risk of property loss and protect Federal agency resources. E.O. 11988, *Floodplain Management* (May 24, 1977), requires Federal agencies to take action to reduce the risk of flood loss and to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and the direct or indirect support of floodplain development wherever there is a practicable alternative.

3. GSA Floodplain Compliance Approach: Floodplain compliance is a component of responsible property management that can reduce the risk of property loss and protect client agency resources. The revisions in this Desk Guide now offer two approaches to floodplain compliance, including a 4-step process for Automatic Categorical Exclusion (CATEX) Actions. Further information on the two approaches and Automatic CATEX Actions can be found below or in previous section, "Summary of Revisions."

a. Distinction between Actions and Automatic CATEX Actions. Actions are any of the following Federal activities: acquiring, managing, and disposing of Federal lands and facilities; providing federally undertaken, financed, or assisted construction and improvements; and conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. The floodplain for Actions is determined by using the 100-year floodplain for non-critical actions and the 500-year floodplain for critical actions.

(1) Automatic CATEX Actions. In conjunction with GSA's analysis of actions as they relate to the National Environmental Policy Act (NEPA), GSA has determined that Automatic CATEX Actions will not have significant impacts on floodplains and thus a shortened floodplain decision-making process may be applied. These are specifically listed in Appendix J. The floodplain for Automatic CATEX Actions is determined by using the 100-year floodplain for non-critical actions and the 500-year floodplain for critical actions.

b. Critical Actions. Any activity or action for which even a slight chance of flooding would be too great. The minimum floodplain of concern for critical actions is

the 500-year floodplain (also known as the critical action floodplain). Examples of critical actions include, but are not limited to: storage of irreplaceable records; storage of volatile, toxic, or water-reactive materials; construction or operation of hospitals and schools; construction and operation of utilities and emergency services that would be inoperative if flooded; storage of national strategic and critical materials; acquisition of health facilities for client agencies; child care facilities; and public benefit conveyances for schools, prisons, and some other institutional uses.

c. Nature-based Approaches. Federal agencies, where possible, should consider using natural systems, ecosystem processes, and natural features and nature-based approaches in the development of alternatives for a proposed action.

d. Exceptions. This Desk Guide describes an exception for actions that are considered to be in the interest of national security.

e. Environmental Justice. This Desk Guide recognizes the importance of considering impacts to and engagement of vulnerable populations.

4. Decision-making Process for Actions. With the exception of a shortened decision-making process for Automatic CATEX Actions, described in Section 5 below, the following 8-step process must be followed to document compliance with E.O. 11988 for proposed Actions. Refer to Appendix A, 8-Step Decision-making Process.

The requirements outlined in this decision-making process should be coordinated with NEPA studies, and the 8-step process should be conducted as part of the NEPA review process. Impacts to floodplains should be discussed in the NEPA analysis as a separate resource or included with other affected resources such as hydrologic or water quality issues. The public notification and public involvement requirements should also be combined. Any identified floodplain mitigation should be incorporated into the final NEPA document, including the Finding of No Significant Impact (FONSI) / Record of Decision (ROD) when one is completed. The Regional NEPA Specialist is responsible for overall compliance in coordination with regional project staff.

a. Step 1. Determine if the Proposed Action is in a Floodplain. First, determine if the proposed Action is a critical action. The critical action determination is made by the Federal customer agency. Refer to Appendix C, Sample Critical Action Determination Letter. If the Action is not a critical action, use the 100-year floodplain. If the action is a critical action, use the 500-year floodplain.

(1) To determine if the proposed Action is located in a floodplain, the data sources that may be used include:

(a) The Federal Emergency Management Agency (FEMA) Map Service Center allows a user to view and download current and historic Flood Insurance Studies (FIS), Flood Insurance Rate Maps (FIRM), and other data.

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(b) The Multi-Asset Planning (MAP) Tool is a GSA platform that allows users to visualize geographic data and perform basic spatial analyses, combining information about the PBS inventory with third-party data such as FEMA floodplains.

(c) Google Earth using the FEMA National Flood Hazard Layer.

(d) Floodplains in many rural or newly developed areas may not have been studied in detail so no FIRM is available. However, this does NOT mean that the area is outside a floodplain. If no FIRM exists, GSA should use the best data available. This may include contacting the FEMA Regional Office, U.S. Army Corps of Engineers (USACE), U.S. Department of Agriculture, Natural Resources Conservation Service, or other Federal, State, or local agency, such as the State Department of Natural Resources, to determine if flood hazard studies have been conducted for the area. If no information exists, a survey may be necessary to identify the floodplain boundaries.

(2) If the proposed project is in a coastal state, GSA may need to comply with higher State or local standards if the standards are approved by the National Oceanic and Atmospheric Administration (NOAA) as enforceable policies of State coastal management programs pursuant to the Coastal Zone Management Act of 1972 (CZMA). Section 307 of the CZMA gives coastal states (including the Great Lakes and U.S. territories) authority to review certain actions that may affect a State's coastal uses or resources.

(3) If the proposed project is located within a floodplain but a practicable alternative exists, as identified through an internal review, that places the proposed project outside of a floodplain, then that practicable alternative should normally be selected. If the proposed project is located in the floodplain, then GSA must proceed with the 8-step decision-making process to identify practicable alternatives.

(4) If the proposed project is located outside of the floodplain, but may stimulate floodplain development, then proceed to step 4. Conversely, if the proposed project is located outside of the floodplain and the project will not stimulate development in a floodplain, then such an action requires no further analysis and may be implemented. Consult with the Regional NEPA Specialist for assistance in determining if an action stimulates floodplain development.

(5) If a proposed action is located outside of a floodplain, but is adjacent to a floodplain that may impact a Federal agency's mission, then such an action may require further analysis in the evaluation of practicable alternatives. The term "adjacent" is intended to mean when Federal real property, where the proposed action will take place, shares a property line with a floodplain. A proposed action should not occur for any Property adjacent to 100-year floodplain, where such an adjacency would, as determined by the Project Manager or Realty Specialist, in his or her sole discretion, restrict ingress or egress to the Premises in the event of a flood, unless there is no practicable alternative.

b. Step 2. Involve Public in Decision-making Process (Public Review). Notify the public by publishing a notice in a newspaper local to the area posting to a community

bulletin board, and online, if project has a website. In some communities, a notice may need to be posted in an easily accessed public space for 15 calendar days including a date on the notice to document the date it was posted and the date it was removed. If completing an Environmental Assessment (EA) or Environmental Impact Study (EIS), include floodplain notice during scoping announcement or Draft EA/EIS public comment period. Refer to Appendix F, Sample Public Notice for Proposed Actions.

c. Step 3. Identify and Evaluate Practicable Alternatives to Locating in the Floodplain. GSA should use input from public comments and internal discussions on practicable alternatives. Where possible, develop practicable alternatives using nature-based approaches. Practicable alternatives are those that are available to GSA and capable of being implemented within existing constraints such as cost, existing technology, and logistics, considering pertinent natural (topography, habitat, hazards, etc.), social (aesthetics, historic and cultural values, land use patterns, etc.), economic (cost of space, construction, services, relocation, etc.), and legal (deeds, leases, etc.) factors. GSA should consult with the Federal customer agency to determine what is practicable for a given project considering impacts to schedule, budget, and environment. Identify and evaluate practicable alternatives, including, when possible:

(1) Alternative actions outside of the floodplain. For alternatives located outside of the floodplain that may stimulate floodplain development, GSA should proceed with the decision-making process to identify these impacts and to minimize ensuing harm to the floodplain if the action is taken as proposed.

(2) Alternative actions that would perform the intended function but would minimize harm to or within the floodplain. GSA should proceed with the decision-making process to identify impacts if the alternative actions are in the floodplain.

(3) Alternative of taking “no action” and not proceeding with the project.

d. Step 4. Identify Adverse and Beneficial Impacts. Identify adverse and beneficial impacts, including stimulating floodplain development, which may result from the project. Analyze the following factors: (1) natural environment (water resources, hydrology, topography, habitat); (2) social concerns (visual quality/aesthetics, historic and cultural values, land use patterns); (3) economic aspects (costs of construction, transportation and relocation, natural features and ecosystem processes); and (4) legal considerations (deeds, leases). This should be included as part of any NEPA analysis.

e. Step 5. Mitigate Adverse Impacts. Minimize the impacts identified and restore and preserve the beneficial values served by floodplains and wetlands. The *PBS P100 Facilities Standards for the Public Buildings Service* (P100) establishes design standards and criteria for new buildings, repairs and alterations, modernizations, lease construction buildings with government option to purchase (on a case-by-case basis), and work in historic structures for PBS. The P100 should be referenced for flood-resistant design and construction standards for any action where P100 compliance is required.

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f. Step 6. Re-evaluate Alternatives. Use any new information obtained from earlier steps to determine if the proposed project is still practicable. If new construction is to be located in a floodplain, apply accepted flood proofing and other measures. To achieve flood protection, wherever practicable, elevate the structures above the flood level rather than fill in land.

g. Step 7. Announce and Explain Decision to the Public (Notice). Notify the public by publishing in the local newspaper or posting on a community bulletin board for seven calendar days, dating the notice at posting and at removal. If completing an Environmental Assessment (EA) or Environmental Impact Statement (EIS), include the floodplain notice during the Final EA/EIS public comment period.

(1) If an EA/EIS was completed, floodplain compliance should be included in the Finding of No Significant Impact (FONSI)/Record of Decision (ROD). Signatures/concurrences for FONSI/RODs should be in accordance with the most recent GSA PBS Delegations of Authority Manual.

(2) If an EA/EIS was not completed or floodplain analysis was not included in NEPA documents, a Justification for No Practicable Alternatives and Floodplain Memorandum for the record must be approved and saved to the project file. The Justification for No Practicable Alternatives outlines the process GSA uses to identify and evaluate sites and why these sites are not practicable. The Project Manager or Realty Specialist is responsible for preparing the Justification for No Practicable Alternatives. GSA must request concurrence from the customer agency when preparing the Justification for No Practicable Alternatives. The Floodplain Memorandum is prepared by the Regional NEPA Specialist and is approved by the Regional Commissioner. Refer to Appendix E, Sample Justification for No Practicable Alternatives, and Appendix D, Sample Floodplain Memorandum.

h. Step 8. Implement the Proposed Project. Implement the proposed project with appropriate mitigation measures and, during site visits, ensure that mitigation measures are fully implemented. Design and construction contracts should include any mitigation identified through this process.

5. Shortened Decision-making Process for Automatic CATEX Actions. PBS NEPA Desk Guide (Section 5.3) identifies certain actions that are eligible for treatment as automatic CATEXs. These actions, as a matter of NEPA, are those that do not individually or cumulatively have a significant effect on the human environment. As a matter of floodplain analysis, GSA has determined that these same actions will likely have insignificant impacts on floodplains and, as such, are considered to be low-risk. Actions of insignificant impact or actions of a short duration may allow for an altered or shortened decision-making process. Automatic CATEX actions are similarly minor in nature and are not expected to cause development within a floodplain. The 4-step decision-making process described in this section (and Appendix B) should be used, at minimum, to document compliance with E.O. 11988 for automatic CATEX actions. This process should be conducted as part of any NEPA analysis and results documented in subsequent NEPA documents. Project staff is responsible for



consulting Regional NEPA Specialists to determine compliance.

All Automatic CATEX actions must follow the process outlined with the exception of lease extensions of 1 year or less. Lease extensions of 1 year or less do not need to document any additional compliance provided the following conditions can be met:

- The extension is not part of a serially extended (in 1-year increments) lease contract for the purpose of circumventing E.O. 11988 and floodplain management.
- Floodplain compliance had been completed on the original lease procurement and can be confirmed in the project file.

Project staff is still responsible for consulting Regional NEPA Specialists to confirm required compliance.

It is important to note that although categorical exclusion means a category of actions that do not individually or cumulatively have a significant effect on the human environment, there may be situations where an “extraordinary circumstance” exists that requires a higher level of NEPA analysis (Checklist CATEX, EA, or EIS). If a higher level of NEPA is necessary, the 4-step process is no longer applicable. Some examples of extraordinary circumstances could be the following: public controversy on environmental grounds, inconsistency with laws and regulations, or potential impact to natural, social, or cultural environments. The PBS NEPA Desk Guide provides additional guidance on “extraordinary circumstances.” The Regional NEPA Specialist should be consulted when determining the required level of NEPA required, as well as for the determination of extraordinary circumstances for a given project.

While GSA defines a shortened decision-making process for Automatic CATEX Actions, it is GSA’s goal to avoid the floodplain wherever practicable for all actions.

a. Step 1. Determine if the 4-Step Decision-making Process Applies to the Proposed Action. The 4-step floodplain decision-making process may be applied to “Automatic CATEX Actions” that GSA has identified as automatic CATEXs, listed in Section 5.3 of PBS’s NEPA Desk Guide. Refer to Appendix J, GSA Automatic Categorical Exclusions.

b. Step 2. Determine if the Proposed Automatic CATEX Action is in a Floodplain. First, determine if the proposed Automatic CATEX Action is a critical action. This determination is made by the Federal customer agency in coordination with GSA. (Refer to Appendix C.) Determine if the proposed Automatic CATEX Action is located in a floodplain. If the Automatic CATEX Action is not critical, use the 100-year floodplain. If the Automatic CATEX Action is critical, use the 500-year floodplain.

If the proposed Automatic CATEX Action is located in a floodplain, further analysis is required.

(1) 100-Year Floodplain for Non-critical Actions. The minimum standard for

non-critical actions is the 1 percent annual chance flood elevation and corresponding horizontal floodplain (100-year floodplain). If an Automatic CATEX Action is located in a 100-year floodplain, identify and evaluate practicable alternatives as part of Step 3.

(2) 500-Year Floodplain for Critical Actions. The minimum standard for critical actions is the 0.2 percent annual chance flood elevation and corresponding horizontal floodplain (500-year floodplain). If a critical action is located in a 100- or 500-year floodplain, identify and evaluate practicable alternatives as part of Step 3.

(3) To determine if the proposed Automatic CATEX Action is located in a floodplain (100- or 500-year), the data sources that may be used include:

(a) The Federal Emergency Management Agency (FEMA) Map Service Center allows a user to view and download current and historic Flood Insurance Studies (FIS), Flood Insurance Rate Maps (FIRM), and other data.

(b) The Multi-Asset Planning (MAP) Tool is a GSA platform that allows users to visualize geographic data and perform basic spatial analyses, combining information about the PBS inventory with third-party data such as FEMA floodplains.

(c) Google Earth using the FEMA National Flood Hazard Layer.

(d) Floodplains in many rural or newly developed areas may not have been studied in detail, so no FIRM is available. However, this does NOT mean that the area is outside a floodplain. If no FIRM exists, GSA should use the best data available. This may include contacting the FEMA Regional Office, U.S. Army Corps of Engineers (USACE), U.S. Department of Agriculture, Natural Resources Conservation Service, or other Federal, State, or local agency, such as the State Department of Natural Resources, to determine if flood hazard studies have been conducted for the area. If no information exists, a survey may be necessary to identify the floodplain boundaries.

If the proposed Automatic CATEX Action is located outside of a floodplain, then such an action requires no further analysis and may be implemented as part of Step 4.

### c. Step 3. Identify and Evaluate Practicable Alternatives to Locating in the Floodplain.

(1) Practicable alternatives are those that are available to GSA and capable of being implemented within existing constraints such as cost, existing technology, and logistics, considering pertinent natural (topography, habitat, hazards, etc.), social (aesthetics, historic and cultural values, land use patterns, etc.), economic (cost of space, construction, services, relocation, etc.), and legal (deeds, leases, etc.) factors. GSA should consult with the Federal customer agency to determine what is practicable for a given project considering impacts to schedule, budget, and environment.

(2) Having determined that a proposed Automatic CATEX Action is located in a floodplain, identify and evaluate practicable alternatives to locating in a floodplain. Alternatives to be evaluated include:

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(a) Carrying out the proposed Automatic CATEX Action at a location outside the floodplain (alternative sites);

(b) Other means that accomplish the same purpose as the proposed Automatic CATEX Action (alternative actions); and

(c) No action.

(3) If a floodplain site is the only practicable alternative, document the analysis with a floodplain map and narrative, leading to this conclusion in a Justification for No Practicable Alternatives. The Justification for No Practicable Alternatives outlines the process GSA uses to identify and evaluate sites and why these sites are not practicable. The Project Manager or Realty Specialist is responsible for preparing the Justification for No Practicable Alternatives. GSA must request concurrence from the customer agency when preparing the Justification for No Practicable Alternatives. The Floodplain Memorandum is prepared by the Regional NEPA Specialist and is approved by the Regional Commissioner. Refer to Appendix E, Sample Justification for No Practicable Alternatives, and Appendix D, Sample Floodplain Memorandum.

d. Step 4. Implement the Proposed Automatic CATEX Action. With the conclusion of this process, the proposed Automatic CATEX Action can be implemented. Implementation should be done in accordance with all applicable policies and procedures, including the incorporation of any mitigation or minimization should it be required. Information on the compliance process should be included in the permanent project file and noted in the Automatic Categorical Exclusion–NEPA Memo to File (GSA Form 4002).

6. Exceptions. In an emergency, such as life-threatening natural or human-caused disasters, activities essential to saving lives and protecting property and public health and safety, or in the interest of national security, the processes outlined above may not be appropriate to follow. The GSA Administrator may allow exceptions to GSA actions described in this section, or as further delegated in the GSA Delegations of Authority Manual.

a. Exceptions to the 8-step decision-making process for Actions may be allowed, and the shortened decision-making process as described in Section 5 may be followed, where:

(1) It is in the interest of national security;

(2) The agency action is an emergency action;

(3) Application to a Federal facility or structure is demonstrably inappropriate;  
or

(4) The agency action is a mission-critical requirement related to a national security interest or emergency action.

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b. These exceptions may apply to actions involving Federal real property as well as actions taking place in facilities or structures that are not federally owned.

c. This Desk Guide defines GSA actions that meet the “emergency action or national security” definition to be:

(1) Acquisition of land, easements, or space within an existing structure, either by purchase or lease, which is related to or in support of a national security interest or emergency action.

(2) Repair and alteration projects related to a national security interest or emergency action, such as emergency structural stabilization work.

d. Nothing in E.O. 11988 or in this Desk Guide applies to assistance provided for emergency work essential to save lives and protect property and public health and safety, performed pursuant to Sections 403 and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (42 U.S.C. 5170[b] and 5192).

e. Regional NEPA Specialists must be consulted as soon as feasible, to not delay immediate actions necessary to secure lives and safety of citizens or to protect valuable resources.

### 7. Responsibilities.

a. Office of the PBS Commissioner. The PBS Commissioner and Deputy Commissioner have the authority to determine whether actions in or affecting floodplains are the only practicable alternatives and approve such actions when the actions affect GSA programs, in accordance with PBS 5450.1 GSA Delegations of Authority. The Commissioner may delegate such authority to the Chief Architect, Assistant Commissioner for Project Delivery, Assistant Commissioner for Real Property Asset Management, or the Assistant Commissioner for the Office of Leasing. The Deputy Commissioner may delegate such authority to the Regional PBS Commissioners.

b. Office of Facilities Management. The Assistant Commissioner for Facilities Management is responsible for updating policies and procedures within the Office’s program area of responsibility and for informing appropriate staff of GSA’s floodplain responsibilities, as outlined in this Desk Guide.

c. Office of Design and Construction and Office of the Chief Architect. The Assistant Commissioner for Design and Construction and the Chief Architect are responsible for updating policies and procedures within the Office’s program area of responsibility and for informing appropriate staff (such as Project Engineers, Project Managers, and Project Management staff) of GSA’s floodplain responsibilities, as outlined in this policy. They are responsible for ensuring that all proposed capital and small projects comply with this standard and have clear maps and diagrams at the conceptual project stage.

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Project Engineers, Project Managers, and Project Management staff are responsible for:

(1) Ensuring that practicable alternatives that avoid the floodplain are identified and evaluated in consultation with the Regional NEPA Specialist.

(2) Notifying the Regional NEPA Specialist when a project is in or may affect a floodplain and request floodplain determinations for all sites under consideration at the earliest stage possible.

(3) Ensuring the action is limited or otherwise designed to minimize impacts, if there is no practicable alternative to locating the action in or affecting the floodplain.

(4) Ensuring implementation of all mitigation measures and other commitments resulting from floodplain compliance processes outlined in this Desk Guide for actions under their authority.

(5) Facilitate the Critical Action Determination with the customer for signature and prepare Justification for No Practicable Alternatives documentation.

d. Office of Leasing. The Assistant Commissioner for the Office of Leasing is responsible for updating policies and procedures within the Office's program area of responsibility and for informing appropriate staff (such as Leasing Specialists and Realty Specialists) of GSA's floodplain responsibilities, as outlined in this Desk Guide.

Leasing Specialists, Realty Specialists, and/or Lease Contracting Officers are responsible for:

(1) Ensuring the Request for Lease Proposal (RLP) first considers properties outside of the floodplain.

(2) Ensuring that practicable alternatives that avoid the floodplain are identified and evaluated in consultation with the Regional NEPA Specialist.

(3) Notifying the Regional NEPA Specialist when a project is in or may affect a floodplain and request a floodplain determination from the Regional NEPA Specialist for all sites under consideration at the earliest stage possible (e.g., market survey).

(4) Ensuring the action is limited or otherwise designed to minimize impacts if there is no practicable alternative to locating the action in or affecting the floodplain.

(5) Facilitate the Critical Action Determination with the customer for signature and prepare Justification for No Practicable Alternatives documentation, if not completed by a Project Manager.

e. Office of Portfolio Management and Customer Engagement. The Assistant Commissioner for Office of Portfolio Management and Customer Engagement is responsible for the program office that maintains and updates this policy, advises other PBS Heads of Service or Staff Office and Regional Commissioners on how to address floodplain compliance requirements, and represents GSA in interagency

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coordination on matters related to floodplain management. He or she is also responsible for informing appropriate staff of GSA's floodplain responsibilities, as outlined in this Desk Guide.

Asset Managers are responsible for:

(1) Accounting for floodplain impacts in Capital Investment and Leasing Program Call (CILP) submissions and the CILP floodplain considerations as part of the environmental review.

(2) Updating the Asset Business Plans.

(3) Coordinating with the Regional NEPA Specialist for proposed actions in a floodplain.

f. Office of Real Property Utilization and Disposal. The Assistant Commissioner for Real Property Utilization and Disposal is responsible for updating policies and procedures within the Office's program area of responsibility and for informing appropriate staff of GSA's floodplain responsibilities, as outlined in this Desk Guide.

g. Office of General Counsel. The Office of General Counsel reviews GSA programs and projects for legal sufficiency and to ascertain whether the proposed action complies with E.O. 11988. Regional Counsel must be informed of any proposed actions in or affecting a floodplain early in the process in order to provide meaningful legal review.

h. Regional PBS Commissioners. Regional Commissioners determine whether actions in or affecting floodplains are the only practicable alternative and approve such actions, accepting/acknowledging the risks, when the actions affect GSA programs. They have the authority to review projects, under their jurisdiction, and approve actions that have been determined to be the only practicable alternatives through signed documentation (Justification for No Practicable Alternatives and Floodplain Memorandum). Regional Commissioners are responsible for coordinating with their regional business line leadership on the approval and documentation of such actions.

i. Regional NEPA Specialists. NEPA Specialists are responsible for:

(1) Floodplain determinations for all federally owned and leased properties.

(2) Coordinating and collaborating with project teams to assist in determining and documenting practicable alternatives (including Justification for No Practicable Alternatives).

(3) Ensuring floodplain impacts are identified for projects, alternatives that avoid the floodplain are identified and evaluated (including the alternative of not proceeding with the action), and the floodplain compliance process is initiated as early as possible.

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(4) Preparing floodplain compliance documentation, such as the Floodplain Memorandum.

(5) Coordinating floodplain compliance with the NEPA process, and documenting the compliance in any NEPA document (i.e., CATEX, EA, EIS, FONSI, and ROD).

(6) Identifying and monitoring any minimization and mitigation requirements determined through compliance.

j. Office of Government-wide Policy, Office of Federal High-Performance Buildings. The Office of Federal High-Performance Buildings is responsible for advising PBS in how to integrate the latest relevant Technical or Engineering and Construction bulletins (USACE), Hydraulic Engineering Circulars (DOT), Regional Sea Level Scenarios for Coastal Risk Management (Strategic Environmental Research and Development Program, U.S. Army Corps of Engineers, National Oceanic Atmospheric Administration, and U.S. Navy), or other related documents for any proposed actions in or affecting a floodplain.

### 8. Definitions.

a. 100-year Floodplain. The area subject to flooding by the 1-percent-annual-chance flood. Within this area, flooding has a 1 in 100 chance (1 percent chance) of occurring within a single year.

b. 500-year Floodplain. The area subject to flooding by the 0.2-percent-annual-chance flood. Within this area, flooding has a 1 in 500 chance (0.2 percent chance) of occurring within a single year.

c. Action. Any action or activity including: (1) acquiring, managing, or disposing of Federal lands and facilities; (2) providing federally undertaken, financed, or assisted construction and improvements; or (3) conducting Federal activities and programs affecting land use.

d. Automatic CATEX Action. Automatic CATEX's are actions that, by their nature, obviously have no potential to affect the environment. Automatic CATEX actions are actions that GSA has determined will likely have insignificant developmental impacts on floodplains and to which a shortened floodplain decision-making process may be applied. These are specifically listed in Section 5.3 of the GSA NEPA Desk Guide, which identifies actions eligible for treatment as automatic CATEXes (see Appendix J of this Desk Guide).

e. Base Flood. A flood that has a 1-percent chance of occurring in any given year (also known as 1-percent-annual-chance or 100-year flood).

f. Base Flood Elevation (BFE). The FEMA BFE elevation to which floodwater is anticipated to rise during the base flood (also known as 1-percent-annual-chance, base, or 100-year flood).

g. Base Floodplain. An area that has a 1-percent or greater chance of flooding in any given year (also known as 100-year floodplain).

h. Critical Action. Any activity or action for which even a slight chance of flooding would be too great. The minimum floodplain of concern for critical actions is the 500-year floodplain (also known as the critical action floodplain). Examples of critical actions include, but are not limited to: storage of irreplaceable records; storage of volatile, toxic, or water-reactive materials; construction or operation of hospitals and schools; construction and operation of utilities and emergency services that would be inoperative if flooded; storage of national strategic and critical materials; acquisition of health facilities for client agencies; child care facilities; and public benefit conveyances for schools, prisons, and some other institutional uses.

i. Floodplain. A lowland and relatively flat area adjoining inland and coastal waters including tsunami and seiche inundation zones and flood-prone areas of offshore islands. The floodplain can be a base floodplain or a critical action floodplain. A floodplain may be, but is not necessarily, a wetland area. The floodplain as documented on the maps will consist of the floodway containing the stream channel and two adjacent flood fringes that if completely encroached upon will result in a surcharge of 1 foot added to the flood elevation for existing conditions.

j. Letter of Map Amendment (LOMA). An official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA).

k. Letter of Map Revision (LOMR). A Letter of Map Revision is FEMA's modification to an effective Flood Insurance Rate Map, or Flood Boundary and Floodway Map, or both.

l. National Security. A collective term that encompasses both national defense and foreign relations of the United States. Specifically, national security is a condition that is provided by either (a) a military or defense advantage over any foreign nation or group of nations; (b) a favorable foreign relations position; or (c) a defense posture capable of successfully resisting hostile or destructive action from within or without, overt or covert.

m. Natural and Beneficial Values of Floodplains. Features or resources that provide environmental and societal benefits. These values include, but are not limited to, storing and conveying floodwaters, maintaining water quality, providing habitats and enhancing biodiversity, creating rich soils for agriculture, and providing open space for recreation and environmental education.

n. Natural features. Characteristics of a particular environment (e.g., barrier islands, sand dunes, wetlands) that are created by physical, geological, biological, and chemical processes and exist in dynamic equilibrium. Natural features are self-sustaining parts of the landscape that require little or no maintenance to continue



providing their ecosystem services (functions).

o. Nature-based Approaches. Features designed to mimic natural processes and provide specific services such as reducing flood risks and/or improving water quality. Nature-based approaches are created by human design (in concert with and to accommodate natural processes) and generally, but not always, must be maintained in order to reliably provide the intended level of service.

p. New Construction. Construction associated with: (1) new structures and facilities; and (2) the reconstruction of existing structures and facilities following damage caused by fire, flood, or other hazard. This also includes lease construction.

q. Practicable Alternatives. A practicable alternative is context specific and would be available to GSA and capable of being implemented within existing constraints and consideration of factors such as technology, logistics, environment (topography, habitat, hazards), social factors (aesthetics, historic and cultural values, land use patterns), economic factors (cost of space, construction, services, relocation), and legal requirements (deeds, leases).

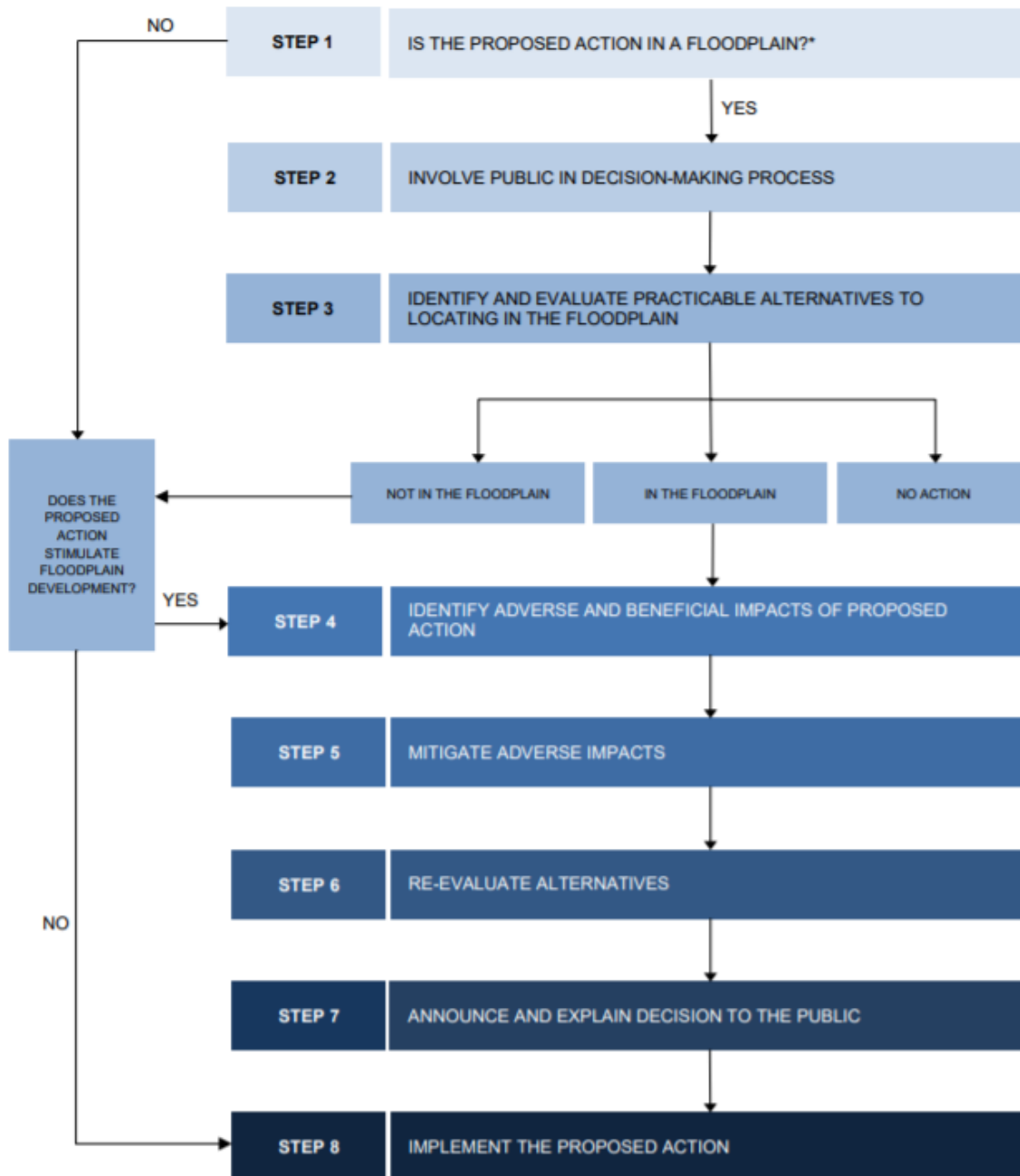
r. Preserve. With reference to a floodplain, “preserve” means to prevent modification of the natural environment or to maintain its flood control function.

s. Resilience. The ability to adapt to changing conditions and withstand and rapidly recover from disruption due to emergencies.

t. Restore. With reference to a floodplain, “restore” means to re-establish a condition, setting, or environment in which the natural functions of the floodplain can operate.

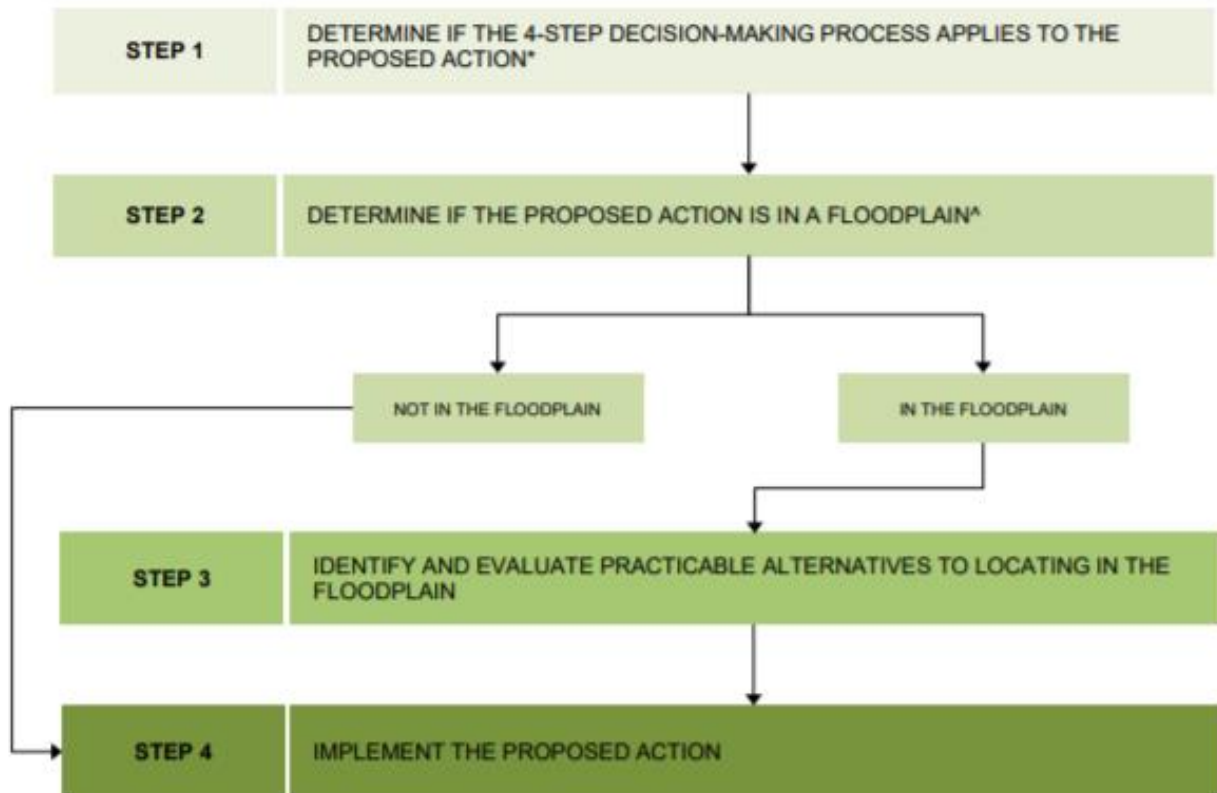
u. Special Flood Hazard Areas (SFHA). A FEMA SFHA is land area subject to inundation by a flood having a 1-percent or greater chance of flooding in any given year (also known as 1-percent-annual-chance, base, or 100-year flood).

## Appendix A. 8-Step Decision-making Process for Actions



\*For critical actions, use the 500-year floodplain. For non-critical actions, use the 100-year floodplain.

## Appendix B. 4-Step Decision-making Process for Automatic CATEX Actions



\*This 4-step decision-making process may be applied to Automatic CATEX Actions that GSA has listed as eligible for treatment as automatic CATEXs. Refer to Appendix J. Consult Regional NEPA Specialist.

^For critical actions, use the 500-year floodplain. For non-critical actions, use the 100-year floodplain.

### **Appendix C. Sample Critical Action Determination Letter**

Date:

To: [insert customer agency]

Subject: Floodplain Compliance Regarding Your Proposed Action

Dear [insert customer POC]:

The delineated area of your proposed facility in [City, State], is located within a 500-year floodplain. The delineated area is defined as follows: [insert]

The use of your proposed facility, as described to the U.S. General Services Administration (GSA), is as follows: [insert description of required space]

The Government must consider alternative locations or mitigation methods if a potential property for purchase or lease is located in: (1) a 100-year floodplain; or (2) a 500-year floodplain and is a “critical action”. The enclosure provides a definition of “critical actions.” This classification may impact the geographic location of your proposed agency facility or affect the conditions of your occupancy.

Based on the enclosed definition, does your agency consider the proposed use of the facility a “critical action”? If so, GSA will analyze the use as a critical action, as required by E.O. 11988 and the GSA Floodplain Management Policy.

Please use the enclosed form to designate whether or not your agency considers its proposed use to be a critical action, sign in the space provided, and return to me [by email, fax, or mail] no later than [month/day/year].

If you have any questions, please contact me at [phone number, email address].

Sincerely,

Name, Title<sup>10</sup>  
U.S. General Services Administration

Enclosure

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<sup>10</sup> The Lease Contracting Officer or the Leasing Specialist may sign for leasing actions.

### **Enclosure to Sample Critical Action Determination Letter**

Based on the definition of critical actions below, please have your agency's national or regional facilities representative or other designated official indicate their selection and sign in the space provided.

A **critical action** is any activity for which even a slight chance of flooding would be too great.

Examples of actions that may be critical actions include, but are not limited to:

- Storage of national strategic and critical material
- Storage of irreplaceable records
- Acquisition of health facilities for client agencies
- Child care facilities
- Public benefit conveyances for schools, prisons, and some other institutional uses
- Site acquisition and construction of new courthouses
- Storage of volatile, toxic, or water-reactive materials
- Construction or operation of hospitals and schools
- Construction or operation of utilities and emergency services that would be inoperative if flooded

Additional considerations for critical actions include:

- If flooded, would the proposed action create an added dimension or consequence to the hazard?
  - Is the action a structure or facility producing or storing highly volatile, toxic, radioactive, or water-reactive materials?
- If the action involves structures such as hospitals, nursing homes, prisons, and schools, would occupants of these structures be sufficiently mobile and have available transport capability to avoid loss of life and injury given the flood warning lead times available?
  - Would emergency services functions be delayed or unavailable as a result of the location of the action?
  - Are there routes to and from the structure that would be inaccessible during a flood and hinder evacuation?
  - Would the location of the structure result in unacceptable hazards to human safety, health, and welfare of the occupants?
- Would essential or irreplaceable resources, utilities, or other functions be damaged beyond repair, destroyed, or otherwise made unavailable?

## PBS Floodplain Management Desk Guide

- Would utilities, critical equipment, systems, networks, or functions be damaged beyond repair or destroyed?
- Would physical or electronic records without backups or copies be destroyed or made unavailable as a result of where these items are located in a structure?
- Would national laboratory research activities or items of significant value to research communities be damaged or destroyed as a result?
- Would items or structures of substantial cultural significance be damaged, destroyed, or otherwise harmed?
- Would the damage or disruption from a local flooding event lead to regional or national catastrophic impacts (e.g., a port being closed for a period following a storm event, which has an impact on transportation of goods nationally)?
- Would damage or disruption to a given facility or infrastructure component have potential for cascading damage or disruption to other facilities and infrastructure classes, some of which may already be stressed by flood conditions (e.g., electricity outage due to substation damage resulting in wastewater treatment facility shutdown or gasoline pump outage)?
- Does this involve a significant financial investment that would be either extremely expensive or extremely time consuming to replace were it to be damaged by flood waters?

On behalf of [insert customer agency name]:

\_\_\_\_ This agency DOES consider its proposed use (as described above and based on the definition) to be a Critical Action and cannot be located in the 500-year floodplain.

\_\_\_\_ This agency DOES NOT consider its proposed use (as described above and based on the definition) to be a Critical Action and can be located in the 500-year floodplain.

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Appendix D. Sample Floodplain  
Memorandum<sup>11</sup>**

Federal Agency  
(GSA Project No. XYZ), Building A  
123 American Way, Little Town,  
USA

The Federal Agency is currently located in 2,000 ANSI/BOMA square feet of space in Little Town, USA, which is in the 100-year floodplain. The current lease expires June 2, 2012, and contains a 5-year renewal option, which GSA would like to exercise.

In accordance with Executive Order (E.O.) 11988 (Floodplain Management) and the GSA Floodplain Management Policy, GSA is required to review the project for practicable alternatives to locating in the floodplain.

After researching the market, GSA concluded there are no alternative sites in the Welch area that meet the Federal Agency's requirements. GSA has therefore determined there are no practicable alternatives to locating in the 100-year floodplain. A Justification for No Practicable Alternatives has been prepared and is attached to this memorandum.

GSA has determined there would be no impacts to the floodplain as a result of the proposed lease renewal. Furthermore, a lease renewal at this location will not encourage further development in the floodplain. Accordingly, it is recommended that GSA complete the floodplain compliance, as outlined in the GSA Floodplain Management Policy, and implement the proposed action.

**RECOMMENDED:**

\_\_\_\_\_ Date \_\_\_\_\_ Regional Director

**APPROVED:**

\_\_\_\_\_ Date \_\_\_\_\_ PBS Regional Commissioner

**Enclosure**

<sup>11</sup> The Regional Office may add additional levels of concurrence. Regional Director assigned with Floodplain Program has signature authority.

**Appendix E. Sample Justification for No Practicable Alternatives<sup>12</sup>**

U.S. GENERAL SERVICES ADMINISTRATION  
Justification for No Practicable Alternatives  
(GSA Project No. XYZ), Building A  
123 American Way, Little Town,  
USA

**1. Project Background and Agency Mission.**

[Answer the following questions:

- Who is the agency?
- Where are they currently located?
- What is the action?
- What is the agency mission?
- Are there special space requirements to consider?]

The Federal Agency is currently located in 2000 ANSI/BOMA Office Area (ABOA) square feet of office and related space at 850 North Main Street, Little Town, Small State, under GSA Lease No. GS-XXB-XXXX, a 10-year succeeding lease awarded in 2006. Federal Agency is currently in year 2 of the 5-year firm term of the lease, which does not expire until July 2011.

Federal Agency has submitted its formal request for space and accompanying special requirements package to GSA indicating a need for approximately 4,425 ABOA square feet of space. Federal Agency's requirements for the space include a lab, conference room, and library.

**2. Delineated Area.**

[Define the delineated area used for the procurement.]

The above information was used to construct the delineated area.

Point of Beginning: Intersection of I-78 and Route 22. Follow I-78 southwest to Route 66. Follow route 66 southeast to route 22. Follow route 22 north to I-78.

The delineated area for the Federal Agency new lease procurement was forwarded to Region X, Portfolio Management Division, along with the addresses of the three properties identified for site visits during the market survey.

<sup>12</sup> For leases, this is prepared before award and should be formatted by the Regional Office so that it is specific to the action, with appropriate signatories and levels of concurrence. This example provides appropriate levels of concurrence for a new lease.



The environmental planning team of the Regional Office advised that 2 of the 3 properties identified for a site visit during the market survey were within the 100-year floodplain. Specifically, 123 American Way and 567 American Way were in the 100-year floodplain.

The delineated area for this procurement includes areas affected by the 100-year and 500-year floodplain. As previously stated, it is essential to the mission of the Federal Agency to be located within the delineated area identified for this procurement.

By expanding the delineated area, the Government would jeopardize the effectiveness of the Federal Agency in executing its mission by limiting access to major highways and roadways, thus adversely affecting response times.

Executive Order (E.O.) 11988 requires GSA to evaluate the potential effects of any actions GSA may take in a floodplain and ensure that the Government's plans consider flood hazards and floodplain management needs. Unless there is "no practicable alternative," GSA must only seek space outside the 100-year floodplain, or outside the 500-year floodplain for "critical actions" (i.e., those for which even a slight change of flooding would be too great).

### **3. Market Survey Results.**

[Insert information regarding results of the Market Survey. Be as detailed and specific as possible for those sites not meeting space requirements.]

In order to maximize competition for the Federal Agency's space requirements, several steps were taken to find as many potential buildings as possible:

- Properties were surveyed online using CoStar/Loopnet, a commercial real estate listing website.
- An advertisement was posted on Federal Business Opportunities (FedBizOpps) website on May 20, 2009.
- Broker traveled to Little Town, Small State, and located three buildings that could potentially meet Federal Agency's needs.

In response to these efforts, three properties were determined to be potentially capable of meeting the Government's requirements. On June 10, 2009, a physical market survey was conducted, which included the following three properties within the delineated area in Little Town, Small State.

1. 3800 Sierra Street
2. 123 American Way
3. 567 American Way

3800 Sierra Street is not in a 100-year floodplain but did not meet the space

requirements outlined above. 123 American Way and 567 American Way are both in the 100-year floodplain. 567 American Way also did not meet the agency's space requirements outlined above.

#### **4. Evaluation of Identified Alternatives.**

[Insert narrative detailing the specific aspects of the sites that satisfy the needs of the Government.]

Based on the research conducted to date that identified only one building potentially meeting the Government's needs for this procurement, it is unlikely that further research or another market survey would yield additional results more favorable for competition.

#### **5. Conclusion.**

Based on the location analysis conducted by the Federal Agency, it is in Federal Agency's best interest to be located in Little Town, Small State, in order to accomplish its mission. Little Town is located in a heavily populated area of Federal Agency's jurisdiction. Additionally, this location is at the juncture of two major highways that will allow easy access for employees and visitors.

123 American Way is the only practicable alternative within the delineated area. Much of Little Town is located in a 100- or 500-year floodplain. Efforts were made throughout the procurement to obtain all possible options for Federal Agency's requirement.

However, there is only one option that will be able to fulfill the requirement, 123 American Way, which is located in the 100-year floodplain.

Prepared by:

\_\_\_\_\_ Date \_\_\_\_\_ Leasing Specialist

Concurrence:

\_\_\_\_\_ Date \_\_\_\_\_ Lease Contracting Officer

Concurrence:

\_\_\_\_\_ Date \_\_\_\_\_ Regional Leasing Director

Concurrence:

\_\_\_\_\_ Date \_\_\_\_\_ Customer  
Agency Representative [official authorized to commit the agency]

## **Appendix F. Sample Public Notice for Proposed Actions**

Notification is hereby given to the public of the U.S. General Service Administration's (GSA) intent to [describe the proposed action].

For example: providing additional courthouse space in River City, Louisiana. The existing Federal Courthouse is within the Central Business Area (CBA), and listed on the National Register of Historic Places (National Register).

The location of the project makes it susceptible to flooding at or above the 100-year flood level. Under Executive Order (E.O.) 11988 (Floodplain Management), GSA is required to review the project for possible alternative solutions to the proposed action. Alternatives considered included [describe alternatives].

In the description, include:

- why the proposed action may be located within the floodplain;
- whether the action conforms to applicable State or local floodplain standards;
- why NFIP criteria are demonstrably inappropriate for the proposed action;
- how the activity will be designed or modified to minimize harm to or within the floodplain; and
- how the action affects natural or beneficial floodplain values.

Here is a sample description: GSA considered locating the new facility outside the 500-year floodplain. However, this action would split the operation of the courts, thus reducing the court's efficiency and causing unnecessary duplication of effort and expense. GSA next considered abandoning the existing courthouse and relocating the entire facility to a larger site that would accommodate the complete operation. It was found that the alternative would remove the facility from the CBA. Additionally, because the existing courthouse is on the National Register, the action would not support the intent of E.O. 13006, which directs the Federal Government to utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in our central cities. E.O. 13006 further directs Federal agencies to give first consideration to historic properties within historic districts when locating Federal facilities. If no such property is suitable, then Federal agencies must consider other developed or undeveloped sites within historic districts. Finally, GSA considered taking no action but the need for additional courthouse space in River City had been clearly demonstrated.

Agencies that have been contacted for input into the analysis of this project include [insert list of agencies; for example, USACE; FEMA Regional office; State, County, or City offices].

Public comment is invited on any of the alternatives listed or other possible alternatives. Comments about this project must be submitted in writing to [point of contact name, title] at the address above within 15 days of this notice.

## **Appendix G. Sample Invitation for Bids Language for Disposal Actions**

In many instances, in order to completely protect the Government's interest, some type of notice and disclosure should be included in the Invitation for Bids and conveyance document. Below is an example of a clause that could be used. This is only a guide. It is recommended that you seek assistance from the Office of Regional Counsel in drafting the appropriate notices and disclosures.

### **SAMPLE DEED NOTICE**

*The property is located in the 100-year floodplain and is subject to any and all Federal, State, and local laws, rules, and ordinances governing land use in floodplain areas.*

## Appendix H. Frequently Asked Questions

### 1. When should floodplain compliance occur?

Compliance with E.O. 11988 should start early in the project's planning process before decisions have been made. Floodplain determinations should be made for realty actions as soon as the market survey stage. Floodplain sites should not be considered further if sites outside of the floodplain are identified as reasonable alternatives. Project Managers or project staff should coordinate with the Regional NEPA Specialist during the project planning phases. Where possible, floodplain compliance should occur as part of the NEPA compliance process.

### 2. How do GSA customer agencies determine if an action is a "critical action"?

GSA customer agencies determine if their actions are critical or not, but GSA staff should work with the client agency to ensure that their decisions are reasonable. The client agency should provide GSA with a written justification (signed by a senior representative with authority for approving decisions for the agency) of whether an action is or is not a "critical action," including information about whether similar agency requests for space were also "critical actions." Refer to Appendix C.

### 3. Is floodplain compliance necessary if the proposed action must occur in a delineated area that is entirely within a floodplain?

Yes. There are circumstances when a community's entire Central Business District (CBD) is situated in a floodplain and the agency's mission requires the agency to be located in the CBD. Even though there is no practicable alternative to locating in the floodplain, there are flood protection techniques that can be taken and areas within the floodplain that are lower risk. GSA also has the option of conducting a "general area review" or a "class action review." The Regional NEPA Specialist must work with the appropriate FEMA regional office for guidance on developing a general area review or a class action review.

### 4. What factors should I consider in the decision-making process if the proposed action is located adjacent to a floodplain that may impact a Federal agency's mission (such as access, egress, or continuity of operations)?

If a proposed action is located outside of a floodplain, but is adjacent to a floodplain that may impact a Federal agency's mission, then such an action may require further analysis in the evaluation of practicable alternatives. The term "adjacent" is intended to mean when Federal real property, where the proposed action will take place, shares a property line with a floodplain. A proposed action should not occur for any Property adjacent to 100-year floodplain, where such an adjacency would, as determined by the Project Manager or Realty Specialist, in his or her sole discretion, restrict ingress or egress to the Premises in the event of a flood, unless there is no practicable alternative. In such cases, consider the following:

- Whether the property where the proposed action will take place will be completely unusable or inaccessible due to the presence of floodwater.
- Whether the presence of floodwater would greatly or unreasonably impinge on the use and enjoyment of the Federal real property where the proposed action will take place.
- Whether the proposed action is a critical action.

5. Is floodplain compliance necessary if the community participates in the National Flood Insurance Program (NFIP)?

Yes. Communities are eligible to participate in the NFIP if they agree to adopt minimum standards to manage flood hazard areas. However, community participation in the NFIP does not meet GSA's requirement to comply with E.O. 11988 and cannot be substituted for floodplain compliance.

6. How should floodplain compliance be documented?

In general, floodplain compliance should be documented through the existing internal NEPA procedures and documents, whenever possible. Floodplain compliance should be integrated into the NEPA process and documented through the EA/EIS and FONSI/ROD, or noted in the Automatic Categorical Exclusion–NEPA Memo to File (GSA Form 4002), as appropriate. As the Regional Commissioner is required to concur with all findings of no practicable alternatives, decision documents (Floodplain Memorandum; Justification for No Practicable Alternatives) must be included in the project file.

7. Does disposal of Federal real property require floodplain compliance?

Disposal of Federal real property is an action that requires compliance with E.O. 11988 and the Federal Management Regulation (FMR). Each Report of Excess must include detailed information about any known flood hazards or flooding of the property, and a listing of any citations for restrictions under Federal, State, or local regulations. A Regional Office may decline to accept surplus real property for disposal until the holding agency has complied with E.O. 11988 and related guidance, or may condition its acceptance of property upon such compliance by the holding agency.

When property in a floodplain is proposed for lease, easement, right-of-way, or disposal to non-Federal public or private parties, E.O. 11988 Section 3(d) directs Federal agencies to:

- Reference the floodplain in the conveyance restrictions under identified Federal, State, or local floodplain regulations; and
- Attach other appropriate restrictions considered necessary to further

the purposes of E.O. 11988, except where prohibited by law; and

- Withhold such properties from conveyance.

8. In cases of property disposal, should GSA inform potential buyers that the property is located in a floodplain?

Yes. All potential recipients of the property should be told that the property is in a floodplain and that there may be restrictions on the property. For example:

- Identify in the Invitation for Bid (IFB) possible restrictions under Federal, State, and local floodplain regulations (restricted uses likely will be detailed in state floodplain regulations and local building codes and zoning ordinances). Attach to the IFB other appropriate restrictions that GSA has determined are necessary to further the purposes of E.O. 11988.
- Include information about the floodplain in the assignment letter if the property is being disposed of as a public benefit conveyance.

Appendix G contains standard language that should be included in the IFB and the conveyance documents to alert recipients to floodplain restrictions and requirements.

9. How should floodplain compliance be coordinated with other Executive Orders?

In order to support community economic vitality, E.O. 12072 requires that agencies first consider locating their actions in urban central business areas (CBA) and adjacent areas of similar character, or in areas that may be recommended by local officials. E.O. 13006 directs agencies to give first consideration to the use of historic properties in historic districts within CBAs. CBAs and urban historic districts are often located in or near floodplains. As a result, the requirements of E.O.s 12072 and 13006 must be carefully coordinated with those of E.O. 11988. As a general rule, health and safety issues always take precedence over issues relating to the conduct of business. Therefore, E.O. 11988 limits the application of E.O.s 12072 and 13006 and should take precedence over acquisition of space in a central business or historic district. An alternative location that represents a minor risk of encouraging floodplain development and no realistic potential for danger to human life may be justifiable if it advances the purposes of the Executive Orders. For example, if a historic property is determined to be within a floodplain, but the intended use of the facility does not pose a risk to human life and property, or impact floodplain resources, coordination with E.O. 13006 may be considered a mitigation measure against the minor flood risk or impacts to the floodplain (providing the floodplain review is conducted).

Project Managers or project staff should coordinate with the Regional NEPA Specialist during the project planning phases to discuss consideration of all Executive Orders.

10. If locations outside the floodplain are much more expensive, can excessively

high cost make a location not practicable?

In some locations, restricting alternatives to areas outside a floodplain yet still within the CBA may severely restrict competition. “Practicable alternatives” are those that are available to GSA and capable of being done within existing constraints such as cost.

Project staff must coordinate with the customer agency, as well as the Regional NEPA Specialist, to determine what defines the project parameters. For example, if offers for locations outside the floodplain greatly exceed the prospectus authorized by Congress or GSA’s prospectus threshold, then the sites are not affordable and they are not practicable alternatives. Additionally, in cases where land donations or land exchanges are a possibility, other practicable alternatives should still be identified and considered. A “free” site obtained through land exchange is not entirely free, and site funding should be requested in the prospectus even in situations where the land might become available via donation or exchange. This will preclude delays if the donation or exchange does not occur and expands the list of practicable alternatives.

11. How should GSA balance the 8-step process with the Procurement Integrity Act?

The Procurement Integrity Act prohibits disclosure of source selection and contractor bid or proposal information. If violation of the Procurement Integrity Act is a concern, the public notice (Step 2) should discuss all proposed locations that are under consideration without defining a preferred alternative. Prior to issuing a final decision (Step 7 and Final EA/FONSI or Final EIS/ROD), GSA should obtain Final Proposal Revisions in accordance with the Procurement Integrity Act so that the decision can be announced simultaneously with contract award.

12. What do I do if the property owner disagrees with FEMA’s floodplain determination?

If a landowner disagrees with FEMA’s determination regarding floodplains, it is the landowner’s responsibility to consult with FEMA to request a change to the floodplain determination (Letter of Map Amendment [LOMA] or Letter of Map Revision [LOMR]). GSA should not participate in this process as it is the landowner’s responsibility. In addition, the LOMA or LOMR should account for the property and the building. If the LOMA or LOMR only account for the building, GSA must consider the whole property as in the floodplain. GSA should also consider any schedule impacts if a landowner does not have a LOMA or LOMR readily available. An Offeror may offer less than its entire site in order to exclude a portion of the site that falls within a floodplain, so long as the portion offered meets all other project requirements and poses no risk to mission or safety.



## **Appendix I. Relevant Laws and Guidance**

1. Coastal Zone Management Act (CZMA). Section 307 of the CZMA gives coastal states (including the Great Lakes and U.S. territories) authority to review certain Federal actions that may affect a State's coastal uses or resources.
2. E.O. 11988, Floodplain Management, of May 24, 1977. E.O. 11988 requires all Federal agencies to avoid the long- and short-term adverse impacts associated with the occupancy and modification of floodplains if practicable alternatives are available. Federal agencies are also required to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. Federal agencies must take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains whenever they acquire (via purchase or lease), manage, and dispose of Federal lands and facilities; provide federally undertaken, financed, or assisted construction and improvements; or conduct Federal activities and programs affecting land use, including water and related land resources planning, regulation, and licensing activities. Federal agencies have worked since the issuance of E.O. 11988, in 1977, to develop processes to evaluate impacts of their actions on floodplains.
3. E.O. 12072, Federal Space Management, of August 16, 1978. E.O. 12072 requires all Federal agencies to give first consideration to locate Federal facilities in central business areas and/or adjacent areas of similar character in order to use them to make downtowns attractive places to work, conserve existing resources, and encourage redevelopment. In addition, opportunities for locating cultural, educational, recreational, or commercial activities within the proposed facility must also be considered.
4. E.O. 13006, Locating Federal Facilities on Historic Properties in Our Nation's Central Cities, of May 21, 1996. E.O. 13006 directs the Federal Government to utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in central business areas.
5. Federal Advisory Committees Act (FACA). The FACA (P.L. 92-463) requires standards and uniform procedures for the establishment, operation, administration, and duration of advisory committees. FACA requires advisory committees to be advisory only; all matters under consideration are to be determined, in accordance with law, by the Federal agency involved. Advisory committees also must be chartered by the Federal agency. GSA must consider FACA requirements when participating in or coordinating public participation activities for Federal agency decision-making.

6. Floodplain Management Guidelines for Implementing E.O. 11988. The implementing guidelines, issued on February 10, 1978, provide broad guidance and assist Federal agencies in preparation of their regulations and procedures for implementing E.O. 11988.

7. National Environmental Policy Act (NEPA). NEPA requires Federal agencies to assess the environmental effects of their proposed actions prior to making decisions.

8. National Flood Insurance Program (NFIP). The NFIP was created to provide flood insurance and undertake a unified program for floodplain management and is administered by FEMA. FEMA is also responsible for creating and maintaining flood hazard maps, including FIRMs. The NFIP authorizes FEMA to develop comprehensive criteria designed to encourage, where necessary, the adoption of adequate State and local measures which, to the maximum extent feasible, will guide development away from flood hazard areas and assist in reducing damage caused by flood. Communities that voluntarily participate in the NFIP must implement and enforce local ordinances that contain protective floodplain development standards to reduce flood risks. These measures typically take the form of ordinances and design controls that require developers and property owners to (a) avoid development in Special Flood Hazard Areas (SFHA), and (b) protect those structures that must be constructed in SFHAs. Communities participating in the NFIP are listed in FEMA's "Community Status Book."

9. National Historic Preservation Act (NHPA). NHPA is the primary Federal law governing the preservation of cultural and historic resources in the United States, and requires Federal agencies to assess the effects of its actions on historic resources prior to implementation.

10. GSA PBS National Environmental Policy (NEPA) Desk Guide, of October 1999. The NEPA Desk Guide provides policies, requirements, checklists, and references to support GSA employees with applying NEPA requirements to Federal actions, including leasing, acquiring, developing, managing, and disposing of real property.

11. Procurement Integrity Act. The Procurement Integrity Act prohibits disclosing or obtaining procurement-sensitive information, to include contractor bid or proposal information and source selection information.

## **Appendix J. GSA Automatic Categorical Exclusions (CATEX)**

This list of automatic CATEXes is copied from GSA's NEPA Desk Guide Section 5.3, published in 1999. While this list is provided for the convenience of the reader, the NEPA Desk Guide must be referenced for a complete, current copy of Automatic CATEXes when conducting floodplain compliance.

(a) Outleases, licenses, and other arrangements for non-Federal use of space in existing Federal office buildings, where such use is consistent with local planning and zoning, where Section 106 of the NHPA is complied with where applicable, and there is no evidence of community controversy or unresolved environmental issues.

(b) Acquisition of space within an existing structure, either by purchase or lease, where no change in the general type of use and only minimal change from previous occupancy level is proposed (previous occupant need not have been a Federal tenant).

(c) Relocation of employees into existing federally controlled space that does not involve a substantial change in the number of employees or motor vehicles.

(d) Reductions in force or other personnel, administrative, or ministerial actions, including bargaining with employee unions and managing routine activities normally conducted to protect or maintain GSA-controlled properties (e.g., security and custodial services).

(e) Lease extensions, renewals, or succeeding leases.

(f) Outlease or license of government controlled space, or sublease of government-leased space to a non-Federal tenant when the use will remain substantially the same.

(g) Acquisition of land or easements that result in no immediate change in use and where subsequent compliance with NEPA and other applicable laws and regulations will take place as needed.

(h) Site characterization studies and environmental monitoring, including siting, construction, operation, and dismantling or closing of characterization and monitoring devices. Such activities include, but are not limited to:

- Site characterization and environmental monitoring activities under the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA);
- Geological, geophysical, geochemical, and engineering surveys and mapping, including the establishment of survey marks;

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- Installation and operation of field instruments, such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools;
- Drilling of wells or for sampling or monitoring of groundwater, well logging, and installation of water-level recording devices in wells;
- Aquifer response testing;
- Installation and operation of ambient air monitoring equipment;
- Sampling and characterization of water, soil rock, or contaminants;
- Sampling and characterization of water effluents, air emissions, or solid waste streams;
- Sampling of flora or fauna;
- Historic property identification and evaluation studies in compliance with the National Historic Preservation Act (NHPA).

(i) Administrative actions such as procurement of consultant services for appraisal or environmental analysis.

(j) Repair and alteration projects involving, but not adversely affecting, properties listed on or eligible for the National Register of Historic Places, when there is no evidence of community controversy or other environmental issues. The process required by Section 106 of the NHPA must be followed; see ADM 1020.2.

(k) Other repair and alteration projects where:

- No toxic or hazardous substances are involved with the project or exist in or on the property where the project takes place;
- No properties listed on or eligible for the National Register of Historic Places are involved;
- The building footprint or envelope will not be increased;
- There is no evidence of community controversy; and
- There is no evidence of other unresolved environmental issues.

- (l) Repairs and alterations or modernization conducted in accordance with applicable plans, such as Facility Master Plans, where such plans have been reviewed under NEPA and there is no evidence of community controversy or unresolved environmental issues. The process required by Section 106 of the NHPA must be followed; see ADM 1020.2.
- (m) Repair to or replacement in kind of equipment or components in GSA controlled facilities without change in location, e.g. HVAC, electrical distribution systems, windows, doors or roof where there is no evidence of unresolved environmental issues.
- (n) Facility maintenance, custodial, and groundskeeping activities not involving environmentally sensitive areas (such as eroded areas, wetlands, cultural sites, etc.), including window washing, lawn mowing, trash collecting, and snow removal.
- (o) Procurement contracts for professional services and supplies not addressed elsewhere here.
- (p) Preparation of implementation guidance.
- (q) Studies that involve no commitment of resources other than manpower and funding.
- (r) Assisting Federal agencies in public utilities management (excluding communications), negotiating for public utility services on behalf of Federal agencies, and providing expert testimony before public utility regulatory bodies.
- (s) Federal real property utilization surveys in accordance with E.O. 12348.
- (t) Real property inspections for compliance with deed restrictions.
- (u) Administrative action by GSA to remove clouds on titles.
- (v) Disposal of real property required by public law wherein Congress has specifically exempted the action from the requirements of NEPA.